

**KENTUCKY LICENSING BOARD OF HEARING INSTRUMENT SPECIALISTS
BOARD MEETING MINUTES**

**May 28, 2008
1:00 p.m.**

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Division of Occupations and Professions in Frankfort, Kentucky on May 28, 2008.

BOARD MEMBERS PRESENT

Michael Hoagland, Chair
Jeff Brown, Vice Chair
Lisa Brown
Brian Schreiner
Gerry Gordon-Brown
Mike Stone
Arthur Azar

Mark Brengelman – Assistant Attorney General
Board Counsel

OCCUPATIONS & PROFESSIONS STAFF

Carolyn Kyler, Board Administrator
Gerald Hoppmann, Division Director
Susan Ellis, Division Staff
Janet Cox, Division Staff
Wendy Satterly, Division Staff

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D
Charles Robinette

OTHERS IN ATTENDANCE

Frank Chuppe, Attorney Representing
Miracle Ear

CALL TO ORDER

Mr. Hoagland called the meeting to order at 1:10 p.m.

OATH OF OFFICE

Ms. Cox administered the Oath of Office to Ms. Gerry Gordon-Brown, representing citizens-at-large, and Mr. Arthur Azar, representing Hearing Instrument Specialist.

APPROVAL OF MINUTES

Mr. Brown made a motion to approve the minutes from the April 10, 2008 Board meeting, with amendments. Mr. Stone seconded the motion. The motion carried.

FINANCIAL STATEMENT

Following review of the financial statement, Ms. Gordon-Brown made a motion to accept it as submitted. Mr. Brown seconded the motion. The motion carried.

Mr. Hoppmann presented the Board with a spreadsheet detailing the estimate cost of an upcoming hearing scheduled for June 9-12, 2008. The Office of the Attorney General has agreed to defer billing until Fiscal Year 2009. He reported that by deferring billing the new fees would be in place and the added revenue would make it less of a burden to the Board to pay those costs.

DIRECTOR'S REPORT

Mr. Hoppmann did not give a director's report. His information was disseminated throughout the meeting.

OLD BUSINESS

Mr. Hoppmann provided the Board with information relating to the Code of Ethics. While HB 250 did not pass the Governor did issue an Executive Order on May 27, 2008 relating to ethics and all Board members are encouraged to adopt it. Mr. Stone made a motion that the Board adopt the Code of Ethics. Mr. Brown seconded the motion. The motion carried.

Draft language relating to licensee's that may have student loans was presented to the Board for review. Kentucky Higher Education Assistance Authority contacts Board from time to time relating to licensee's in this situation. Following review Ms. Brown made a motion that the Board accept the draft language as presented and that should the occasion for its use arise, division staff could automatically send the letter to the licensee without waiting for Board approval and inform the Board at the next meeting. Mr. Brown seconded the motion. The motion carried.

MINUTES
May 28, 2008
Page 2

Mr. Hoppmann gave the Board information regarding upcoming training, provided by the Office of the Attorney General, scheduled for June 12 regarding KRS Chapter 13B – Administrative Hearings, and June 25 regarding Kentucky Open Meetings and Open Records Law. It was also suggested that if anyone had suggestions for additional training topics to please give that information to either Ms. Kyler or Mr. Hoppmann.

COMPLAINTS

Mr. Brown made a motion for the Board to accept the Complaint Committees report as follows:

04-007 – The Defendant is continuing to make payments. The case has been referred for further investigation and is on-going.

06-010 – Board moved to accept Settlement Agreement as submitted.

06-010(A) – Board moved to accept Settlement Agreement as submitted.

06-016 – Ongoing

06-019 – Formal Charges filed.

06-020 – Hearing Scheduled for June 9-11, 2008

06-027 – Hearing Scheduled for June 9-11, 2008

06-030 – Hearing Scheduled for June 9-11, 2008

06-031 – Ongoing

07-003 – Hearing Scheduled for June 9-11, 2008

07-004 – Hearing Scheduled for June 9-11, 2008

07-005 – Hearing Scheduled for June 9-11, 2008

07-007 – Hearing Scheduled for June 9-11, 2008

07-008 – Hearing Scheduled for June 9-11, 2008

07-009 – Hearing Scheduled for June 9-11, 2008

07-013 – Hearing Scheduled for June 9-11, 2008

07-018 – Hearing Scheduled for June 9-11, 2008

07-019 – Ongoing

07-020 – Ongoing

07-021 – Ongoing

08-004 – Ongoing

08-005 – Ongoing

08-006 – Ongoing

08-007 – Ongoing

Mr. Schreiner seconded the motion. The motion carried.

Mr. Hoagland, being recused, left the room during the discussion involving 06-019, 06-020, 06-027, 06-030, 07-003, 07-004, 07-005, 07-007, 07-008, 07-013, and 07-018 did not vote on any action taken.

CLOSED SESSION

At 2:15 p.m. and in accordance with KRS 61.810 Section 1(f) which states “All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following: (f) Discussions or hearing which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting the employee’s, member’s, or student’s right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret,” Mr. Schreiner made a motion to go into closed session. Ms. Gordon-Brown seconded the motion. The motion carried.

At 2:45 p.m. Ms. Brown made a motion to come out of closed session. Mr. Schreiner seconded the motion. The motion carried.

Ms. Brown made a motion that the Board reject the settlement offer in 05-005 and make the following counter offer: waive the \$1,000 monetary penalty, admit guilt, and agree to 1-year Board monitoring. Mr. Schreiner seconded the motion. The motion carried.

Mr. Azar and Mr. Stone, being recused, left the room during the discussion involving 05-005 and did not vote on any action taken.

NEW BUSINESS

Ms. Satterly reported that the fee regulations had been filed and would be heard before the ARRS committee on July 8, 2008, at 10:00 a.m. Ms. Kyler was asked to contact Mr. Robinette to see if he would be available to appear before that committee, in addition to, Mr. Hoppmann and Mr. Brengelman.

APPLICATION REVIEW

Mr. Schreiner made a motion for the Board's acceptance of the following applications as follows:

APPROVED

G. Brad Cummins under the sponsorship of Grady Cummins.
Chasity D. Young under the sponsorship of Harold Strange.
Angie Buckingham to sit for the August 1, 2008 exams.

DEFERRED

No applications deferred.

DENIED

No applications denied.

CONTINUING EDUCATION

No applications for continuing education were submitted.

APPROVAL OF TRAVEL & PER DIEM

Mr. Stone made a motion to approve the travel and per diem. The motion was seconded by Mr. Schreiner. The motion carried.

NEXT MEETING

The next meeting is scheduled for July 31, 2008. Complaint Committee will meet at 10:00 a.m. Board meeting will meet at 1:00 p.m. Exams are scheduled for August 1, 2008 beginning at 8:30 a.m.

ADJOURNMENT

Having no further business before the Board, Mr. Schreiner made a motion that the meeting be adjourned at 2:55 p.m. The motion was seconded by Mr. Brown. The motion carried.

Approved